

46 Am. Jur. 2d Judges § 38

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Judges

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V. Powers and Duties

C. Reconsidering Rulings by Another Judge

§ 38. Effect of change of circumstances or additional facts on reconsideration of predecessor judge's ruling

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  24, 32

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[Power of successor judge taking office during term time to vacate, set aside, or annul judgment entered by his or her predecessor, 51 A.L.R.5th 747](#)

A judge may properly reconsider a question that has been ruled upon by another judge in the same case where there has been a change of circumstances or additional facts which would warrant such action.¹ Generally, the new matter may be new evidence,² new and substantially different pleadings,³ or any matter by which the record is essentially changed.⁴ However, there is authority to allow a more expansive right.⁵

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Footnotes

- 1 Rosenberg v. Otis Elevator Co., 366 N.J. Super. 292, 841 A.2d 99 (App. Div. 2004).
- 2 Alvarez v. Superior Court, 117 Cal. App. 4th 1107, 12 Cal. Rptr. 3d 252 (2d Dist. 2004).
- 3 Bowman v. Board of Regents of Universities and State Colleges of Arizona, 162 Ariz. 551, 785 P.2d 71, 58 Ed. Law Rep. 312 (Ct. App. Div. 1 1989).
- 4 Harry v. Lehigh Valley Hosp., 2003 PA Super 209, 825 A.2d 1281 (2003).

5 [Kuwaiti Danish Computer Co. v. Digital Equipment Corp.](#), 438 Mass. 459, 781 N.E.2d 787, 49 U.C.C. Rep. Serv. 2d 729 (2003).

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